IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 184 OF 2005

Ismail Noor Mohammed Shikilkar. ... Appellant.
Versus.
Municipal Corporation of Greater Mumbai. ... Respondents.

Shri R.R.Sharma for the Appellant.

Shri N.V.Walawalkar with Ms.Geeta Joglekar for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 3rd May, 2005.

P.C.:

1. The undertaking filed by the Appellant is taken on record and marked "X" for identification. The undertaking is accepted. Shri Sharma prays that he may be permitted to withdraw the Appeal with liberty to make an application before the Additional Collector as stated in clause 1 of the undertaking.

2. Accordingly the Appeal is dismissed as withdrawn. If an application is made by the Appellant before the Additional Collector (ENC) as stated in clause 1 of the undertaking within a period of one week from today, the same shall be decided by the Additional Collector (ENC), Western Suburb, Mumbai, on merits within the period of 16 weeks from the date of receipt of the Application.

3. If the Appellant makes an Application in terms of

the undertaking given by him within a period of one week, he will serve a copy thereof on the Respondent-Corporation and in case such application is made within one week and a copy thereof is served on the Respondent-Corporation within one week, no further action will be taken by the Respondent-Corporation in respect of the suit structure for a period of twenty weeks from today.

4. The concerned parties including the Additional Collector (ENC) Western Suburb, Mumbai, to act on an authenticated copy of this order.

Judge.